

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

DONNA CURLING, *et al.*

*Plaintiffs,*

v.

BRAD RAFFENSPERGER, *et al.*,

*Defendants.*

CIVIL ACTION

FILE NO. 1:17-cv-02989-AT

**STATE DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY**

In further support of State Defendants' Motions for Summary Judgment on Coalition Plaintiffs' and Curling Plaintiffs' Claims [Docs. 1567, 1568], State Defendants respectfully submit the attached decision of the U.S. District Court for the District of Oregon in *Thielman v. Fagan*, Case No. 3:22-cv-01516-SB (June 29, 2023) as Exhibit A. In *Thielman*, the district court granted a motion to dismiss claims that Oregon's computerized vote tabulation and vote-by-mail systems violated the U.S. Constitution for lack of jurisdiction.

The claims dismissed in *Thielman* mirror several of Plaintiffs' arguments here. The *Thielman* court determined that the "lack of confidence in Oregon's voting systems is a generalized grievance not particularized to the plaintiffs in this litigation and too speculative to qualify as a concrete injury."

Ex. A, p. 8. Similarly, Plaintiffs in this case have argued that they lack confidence in Georgia's voting system as a basis for their claimed injuries. [Doc. 1636, pp. 37-40, 62]; [Doc. 1624, pp. 34, 63-67].

The *Thielman* court also determined that "courts have universally concluded that an alleged injury related to a lack of confidence in a voting system is 'too speculative to establish an injury in fact, and therefore standing.'" Ex. A, p. 7 (quoting *Lake v. Hobbs*, 623 F. Supp. 3d 1015, 1028-29 (D. Ariz. 2022) and collecting cases). Among the cases the *Thielman* court relied on was *Crist v. Comm'n on Presidential Debates*, 262 F.3d 193, 195 (2d Cir. 2001), which it cited for the proposition that "plaintiffs' alleged injury that '[t]hey were unable to know that their votes were accurately counted' was 'not the kind of 'informational injury' that has previously been found to establish standing.'" Ex. A, p. 8. This vote-counting claim mirrors arguments Plaintiffs make in this case regarding their view of Georgia's election system. [Doc. 1636, pp. 37-40, 62]; [Doc. 1624, pp. 34, 63-67].

For these reasons and the reasons already articulated in State Defendants' briefs, the Court should grant both of State Defendants' Motions for Summary Judgment.

Respectfully submitted this 10th day of July, 2023.

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**CERTIFICATE OF COMPLIANCE**

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing STATE DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson  
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